

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CWP No.4169 of 2018

Date of Decision: 21.02.2018

Mahender Singh

....Petitioner

Versus

The State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Bandana Trikha, Advocate
for Mr. A.S. Trikha, Advocate
for the petitioner.

Mr. Anil Mehta, D.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed for grant of emergency parole to the petitioner as his father, namely, Subhash Chand had expired on 11.02.2018 and was cremated on 12.02.2018. An application was moved by brother of the petitioner stating therein that his eldest brother-Mahender @ Muna i.e the present petitioner is undergoing sentence in District Jail, Bhiwani. The mother of the petitioner is alive, who is 70 years of age and his two brothers live in Maharashtra. The date for *rasam pagri* has been fixed for 23.02.2018 and there is no other person in the family to make arrangements and to perform *rasam pagri* on 23.02.2018. Petitioner being the eldest in the family has to perform the necessary customary rituals on the date of *rasam pagri* i.e 23.02.2018.

Notice of motion was issued to respondent-State on 20.02.2018.

Learned counsel for the respondent-State, on instructions from

Head Constable Uday Bhan, has affirmed the factum of *rasam pagri* and

has also brought to the notice of this Court that other cases are also registered against the petitioner and in case, he is released on parole, there is possibility that he may abscond.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including the application moved by brother of the petitioner.

Death of father of the petitioner has been affirmed. The petitioner is in custody in case FIR No.61 dated 24.04.2011 registered under Sections 353/332/307/186 IPC and under Section 25 of the Arms Act at Police Station Badhra, District Bhiwani. He was convicted and sentenced by the trial Court and the appeal is pending before this Court.

By considering the submissions made by learned counsel for the petitioner and also the fact that the presence of the petitioner, being the eldest one, is required at the time of *rasam pagri*, which is fixed for 23.02.2018, the request is accepted and the petitioner is allowed to attend *rasam pagri* on 23.02.2018 in police custody.

Accordingly, the Jail Superintendent, District Jail, Bhiwani is directed to make arrangement to take the petitioner to attend the *rasam pagri* of his father in police custody.

The petition is disposed of accordingly.

A copy of this order be given *dasti* under the signatures of Bench Secretary of this Court.

(DAYA CHAUDHARY)
JUDGE

21.02.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No